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RCE/2632
JFW

Request

for

Continued Examination (RCE)
Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Application Number	09/814,092
Filing Date	08/21/2001
First Named Inventor	Bernardus H. W. Hendriks
Art Unit	2652
Examiner Name	Michael V. Battaglia
Attorney Docket Number	PHN17,870

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 - i. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - ii. Other _____
- b. Enclosed
 - i. Amendment/Reply
 - ii. Affidavit(s)/ Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other _____

2. **Miscellaneous**

Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a

- a. period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. Other _____

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, or credit any overpayments, to

- a. Deposit Account No. _____ I have enclosed a duplicate copy of this sheet.
 - i. RCE fee required under 37 CFR 1.17(e)
 - ii. Extension of time fee (37 CFR 1.136 and 1.17)
 - iii. Other _____
- b. Check in the amount of \$ _____ enclosed
- c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature		Date	November 9, 2004
Name (Print/Type)	James D. Leimbach	Registration No.	34,374

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature		Date	November 9, 2004
Name (Print/Type)	James D. Leimbach	Registration No.	34,374

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 790.00)

Complete if Known

Application Number	09/914,092
Filing Date	08/21/2001
First Named Inventor	Bernardus H. W. Hendriks
Examiner Name	Michael V. Battaglia
Art Unit	2652
Attorney Docket No.	PHN 17,870

METHOD OF PAYMENT (check all that apply)

Check Credit card Money Order Other None

 Deposit Account:

Deposit Account Number	<input type="text"/>
Deposit Account Name	<input type="text"/>

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below Credit any overpayments Charge any additional fee(s) or any underpayment of fee(s) Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001	790	2001	395	Utility filing fee	<input type="text"/>
1002	350	2002	175	Design filing fee	<input type="text"/>
1003	550	2003	275	Plant filing fee	<input type="text"/>
1004	790	2004	395	Reissue filing fee	<input type="text"/>
1005	160	2005	80	Provisional filing fee	<input type="text"/>
SUBTOTAL (1) (\$)					

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims below	Fee from below	Fee Paid
			-20** =	<input type="text"/> X <input type="text"/>	<input type="text"/>
			- 3** =	<input type="text"/> X <input type="text"/>	<input type="text"/>
					<input type="text"/>

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20	
1201	88	2201	44	Independent claims in excess of 3	
1203	300	2203	150	Multiple dependent claim, if not paid	
1204	88	2204	44	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)					

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

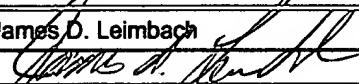
Large Entity | Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051	130	2051 65 Surcharge - late filing fee or oath	<input type="text"/>
1052	50	2052 25 Surcharge - late provisional filing fee or cover sheet	<input type="text"/>
1053	130	1053 130 Non-English specification	<input type="text"/>
1812	2,520	1812 2,520 For filing a request for ex parte reexamination	<input type="text"/>
1804	920*	1804 920* Requesting publication of SIR prior to Examiner action	<input type="text"/>
1805	1,840*	1805 1,840* Requesting publication of SIR after Examiner action	<input type="text"/>
1251	110	2251 55 Extension for reply within first month	<input type="text"/>
1252	430	2252 215 Extension for reply within second month	<input type="text"/>
1253	980	2253 490 Extension for reply within third month	<input type="text"/>
1254	1,530	2254 765 Extension for reply within fourth month	<input type="text"/>
1255	2,080	2255 1,040 Extension for reply within fifth month	<input type="text"/>
1401	340	2401 170 Notice of Appeal	<input type="text"/>
1402	340	2402 170 Filing a brief in support of an appeal	<input type="text"/>
1403	300	2403 150 Request for oral hearing	<input type="text"/>
1451	1,510	1451 1,510 Petition to institute a public use proceeding	<input type="text"/>
1452	110	2452 55 Petition to revive - unavoidable	<input type="text"/>
1453	1,370	2453 685 Petition to revive - unintentional	<input type="text"/>
1501	1,370	2501 685 Utility issue fee (or reissue)	<input type="text"/>
1502	490	2502 245 Design issue fee	<input type="text"/>
1503	660	2503 330 Plant issue fee	<input type="text"/>
1460	130	1460 130 Petitions to the Commissioner	<input type="text"/>
1807	50	1807 50 Processing fee under 37 CFR 1.17(q)	<input type="text"/>
1806	180	1806 180 Submission of Information Disclosure Stmt	<input type="text"/>
8021	40	8021 40 Recording each patent assignment per property (times number of properties)	<input type="text"/>
1809	790	2809 395 Filing a submission after final rejection (37 CFR 1.129(a))	<input type="text"/>
1810	790	2810 395 For each additional invention to be examined (37 CFR 1.129(b))	<input type="text"/>
1801	790	2801 395 Request for Continued Examination (RCE)	790.00
1802	900	1802 900 Request for expedited examination of a design application	<input type="text"/>
Other fee (specify) _____			

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 790.00)

(Complete if applicable)

Name (Print/Type)	James D. Leimbach	Registration No. (Attorney/Agent)	34,374	Telephone	585 381-9983
Signature				Date	November 9, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Atty. Docket PHN 17870
Bernardus Hendrikus Wilhelmus Hendriks, et al.)
Serial No. 09/914,092) Group Art Unit:
Filed: 08/21/2001) 2652
TITLE: OPTICAL SCANNING HEAD) Examiner:
) Michael V. Battaglia
)
)

Mail Stop: RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication contains a Preliminary Amendment that is being filed concurrently with a Request for Continued Examination in response to the Advisory Action dated November 2, 2004.